



FTM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 1266**
Tomoyuki NAKAMURA et al. : Attorney Docket No. 2006_1605A
Serial No. 10/594,339 : Group Art Unit 1652
Filed September 27, 2006 : Examiner Sheridan Swope

TRUNCATED DANCE, DANCE COMPLEX
AND METHOD OF USING THESE

Mail Stop: Amendment

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Official Action dated May 7, 2008.

The Official Action constitutes a requirement for restriction and election of species.

Applicants elect Group I, and SEQ ID NO: 6 as the species. The restriction requirement is respectfully traversed.

Groups II-VII, X, XII and XIII should be examined simultaneously with Group I because Groups I, II-VII, X, XII and XIII are so linked as to form a single general inventive concept under PCT Rule 13.1. Inventions of Groups I, II-VII, X, XII and XIII involve the same special technical feature under PCT Rule 13.2, since all the claimed inventions above share a special technical feature of cleaving DANCE with DANCE-specific protease.

Especially, inventions of Group I and III also involve the corresponding special technical features because the polypeptide of Group I is an N-terminal DANCE fragment produced by the cleavage of DANCE with DANCE-specific protease, and polypeptide of Group III is a residual C-terminal DANCE fragment produced by said cleavage.

In addition, regarding the examination of a patent application involving plural inventions of polynucleotide molecules defined by nucleotide sequences, MPEP 803.04 describes, "In most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction". The same should apply to an examination of amino acid sequences and, in the present application, at least 6 amino acid sequences in Groups I and III should be examined in a single application without restriction.

The claims readable on the elected species are claims 1, 2 and 35.

Favorable action on the merits is solicited.

Respectfully submitted,

Tomoyuki NAKAMURA et al.

By: Warren M. Cheek
Warren M. Cheek
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 9, 2008